

Amend Revenue and Taxation Code Sections 11316 and 11336 to delete an obsolete reference to "declaration of intent" language. (Technical)

Source: Property and Special Taxes Department and Legal Department

Existing Law:

Prior to January 1, 2002 there was a two step process to file an appeal of a private railroad car assessment with the Board of Equalization. The first step was to file a "declaration of intent" to appeal, which was due on or before August 21. The second step was to file the actual appeal, which was due on or before September 20. Effective January 1, 2002, Chapter 407 of the Statutes of 2001 (SB 1181) amended Sections 11338 and 11339 to eliminate the unnecessary first step of filing an "intent to appeal" and instead simply required that an appeal be filed within a specific number of days. These changes simplified the appeals process for Private Railroad Car taxpayers, as well as conformed to similar streamlining measures made in 2000 for state-assesseees, which were contained in Senate Bill 2170 (Ch. 647, Stats. 2000)

This Proposal:

This proposal simply deletes an obsolete reference to "declaration of intent" language which should have been deleted through previous legislation.

Section 11316 of the Revenue and Taxation Code is amended to read:

11316. If the board makes an assessment pursuant to Section 11311, 11314, or 11315 due to the negligence of the taxpayer, a penalty of 10 percent of the value of the estimated or escape assessment shall be added to the assessment. If the estimated or escape assessment is due to a fraudulent or willful attempt to evade the tax, a penalty of 25 percent of the value of the estimated or escape assessment shall be added to the assessment. A willful failure to file a report as required by Article 2 (commencing with Section 11271) of this chapter shall be deemed to be a willful attempt to evade the tax.

If the assessee establishes to the satisfaction of the board that the failure to file an accurate property statement was due to reasonable cause and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the board shall order the penalty abated, provided the assessee has filed with the board written application for abatement of the penalty within the time prescribed by law for filing a ~~declaration of intent~~ to petition for reassessment.

Section 11336 of the Revenue and Taxation Code is amended to read:

11336. On or before August 1 the board shall complete the assessment of all property required to be assessed and shall notify the assesseees thereof. This notice shall include an announcement of the statutory period during which, and the place at

which, ~~a declaration of intent to petition for reassessment and a~~ petition for reassessment may be filed.